

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

OCT - 6 2005

MORRISON & FOERSTER LLP  
3811 VALLEY CENTRE DRIVE  
SUITE 500  
SAN DIEGO CA 92130-2332

In re Application of :  
Thomas L. Cantor et al :  
Serial No.: 10/617,489 : PETITION DECISION  
Filed: July 10, 2003 :  
Attorney Docket No.: 532212000623 :

This is a response to the third petition under 37 CFR 1.59(b), filed August 5, 2005, to expunge additional information from the above identified application.

Petitioner requests that documents submitted August 5, 2005, as Proprietary Information Disclosure Statements be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an examined application and a reply to the last Office action has been filed. The information provided will be reviewed by the examiner in due course. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements. This application has not been allowed. Therefore, the information cannot be returned at this time.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number, 571-273-8300.

A handwritten signature in cursive script, reading "George C. Elliott".

George C. Elliott  
Director, Technology Center 1600